STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of M.A.F. and M.J.F., Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TANIKA MARIE RUFFNER,

Respondent-Appellant,

and

JIMMY DEAN RUFFNER,

Respondent.

UNPUBLISHED
February 19, 2008

No. 281217
Branch Circuit Court
Family Division
LC No. 07-003698-NA

Before: Talbot, P.J., and Cavanagh and Zahra, JJ.

PER CURIAM.

Respondent Tanika Ruffner appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(i), (j), and (l). We affirm.

Respondent first raises a procedural issue on appeal. She argues that the children were not made permanent court wards at the initial dispositional hearing and, therefore, petitioner was required to provide services for reunification before the case could proceed to termination. Respondent did not preserve this issue because she failed to raise it below. *Rooyakker & Sitz, PLLC v Plante & Moran, PLLC*, 276 Mich App 146, 162; 742 NW2d 409 (2007). Therefore, we review the issue for plain error. *Kloian v Schwartz*, 272 Mich App 232, 242; 725 NW2d 671 (2006).

Generally, when a child is removed from the custody of the parents, a petitioner is required to prepare a case service plan before an order of disposition is entered. MCL 712A.18f(2). The service plan must include a schedule of services to be provided to the parent, child, and foster parent to facilitate the child's return to his or her home if reunification is the goal. MCL 712A.18f(3)(d). However, services are not always required. *In re Terry*, 240 Mich App 14, 25 n 4; 610 NW2d 563 (2000). Pursuant to MCL 712A.19a(2)(c), efforts toward

reunification are not required where the parent's rights to another child were involuntarily terminated. Thus, where reunification is not planned because termination is sought at the initial dispositional hearing, see MCL 712A.19b(4); MCR 3.977(E), the case service plan must explain why services were not provided and include a schedule of services to be provided "to facilitate the child's permanent placement." MCL 712A.18f(1)(b) and (3)(d).

In this case, the original petition indicated that it "will include a request for termination of parental rights." Although the trial court entered an order of disposition without terminating respondent's parental rights, the order referred to a planned "hearing to terminate parental rights." Further, when the trial court did not enter an order of termination following the dispositional hearing, petitioner immediately sought rehearing on the ground that there were several bases for termination and the court then conducted a termination hearing. These circumstances indicate that the trial court tacitly granted petitioner's motion, held a new initial dispositional hearing, and then ordered termination. Accordingly, we find that respondent has failed to show plain error.

The trial court did not clearly err in finding that § 19b(3)(l) was established by clear and convincing legally admissible evidence. See MCR 3.977(E); *In re Archer*, 277 Mich App 71, 73; ___ NW2d ___ (2007). There is no dispute that respondent's parental rights to another child were previously involuntarily terminated following the initiation of child protective proceedings. Additionally, we find no support for respondent's argument that something more than the mere fact of a prior involuntary termination, such as proof of future neglect or an opportunity for rehabilitation, is required before parental rights may be terminated under § 19b(3)(l). Because the statute is clear and unambiguous, it must be enforced as written. *Tryc v Michigan Veterans' Facility*, 451 Mich 129, 135-136; 545 NW2d 642 (1996). We may not read into the statute anything "that is not within the manifest intent of the Legislature as gathered from the act itself." *In re S R*, 229 Mich App 310, 314; 581 NW2d 291 (1998).

Finally, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. See MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the children. See *id*. at 356-357.

Affirmed.

/s/ Michael J. Talbot
/s/ Mark J. Cavanagh
/s/ Brian K. Zahra